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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Group Art Unit: 2143

Janne AALTONEN, et al.

Examiner: Asghar H. Bilgrami

Serial No. 10/074,238

Attorney Docket No. 006071.00001

Filed: February 14, 2002

For: METHOD AND APPARATUS FOR ACCESSING DATA

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicants respectfully request review of the final rejection in the identified application. No amendments are filed with this request. This request is filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks. Please charge any fees to our Deposit Account No. 19-0733.

Applicants respectfully submit that the rejections in the final Office Action mailed September 9, 2005, are based on one or more clear errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005.

In particular, Birdwell fails to teach or suggest "requesting, via the first network, further information from the computer network, wherein the further information is based on the received identifier," as recited in independent claims 1 and 9. In Birdwell, there is no such request. Instead, in Birdwell, clients 24 receive announcements and broadcasts from broadcast network 30, but do not send any requests; clients 24 passively filter incoming data that is broadcast at pre-scheduled times. *See* Amendment filed June 3, 2005, Applicants' remarks, p. 7.

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The Examiner does not dispute Applicants' above argument, and merely rebuts that a reference is read from the perspective of one of ordinary skill in the art (final Office Action, pp. 4-5, paragraph 15). The Examiner also argues how a conclusion of obviousness is reached (*Id.*). Neither of the Examiner's rebuttals are relevant to the fact that Birdwell does not teach or suggest the claimed request and therefore fails to anticipate.

The Examiner further argues that "Birdwell in the background section of the art discloses bi-directional data requests from the clients to the servers (col. 1, lines 21-49)." (final Office Action, p. 5, paragraph 17). This argument is irrelevant for two reasons. First, the cited excerpt of the *background* of Birdwell discusses *conventional* networks, which are different from the network of Fig. 1 of Birdwell asserted by the Examiner. Also, the Examiner's argument does not address the fact that the clients 24 of Birdwell do not make the claimed request.<sup>1</sup>

The dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein.

All issues having been addressed, Applicants respectfully submit that the application is in condition for allowance, and respectfully solicit notification of the same. Should the review panel believe the application is not in condition for allowance or if there are any questions, the review panel is invited to contact the undersigned at (202) 824-3150.

Respectfully submitted,

Date: December 9, 2005  
By:   
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<sup>1</sup> The Examiner further argues that the term "device," rather than "client," is recited in the claims, and that a server as described by Birdwell is a device. (final Office Action, p. 5, paragraph 17). This again is irrelevant to Birdwell's lack of the claimed request.